

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

13 CV 2196

SONIA L. GOMEZ (PLAINTIFF)

-against-

(1) THE CITY OF YONKERS

(2) YONKERS POLICE OFFICER
ALEX DELLA-DONNA.

(DEFENDANTS)

All Defendant(S) Individually and in
Their official capacities and as
Employees of the city of YONKERS.

42 U.S.C. 1983

CIVIL RIGHTS COMPLAINT.

JURY TRIAL REQUESTED BY
(Plaintiff).

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SECTION (1) (A)

PLAINTIFF INFORMATION:

Name : SONIA L. GOMEZ

Address: 145 - Frederick street Apt # 2nd Floor.

CITY: Yonkers, Westchester County.

STATE: NEW YORK, 10703.

TEL # : (914) 207-4182

(B)

DEFENDANT(S) INFORMATION:

DEFENDANT (1)

Name: THE CITY OF YONKERS.

Address: 40- SOUTH BROADWAY ROOM #300

CITY: YONKERS, WESTCHESTER COUNTY.

STATE: NEW YORK, 10701

DEFENDANT (2)

Name : Yonkers POLICE OFFICER Alex Della-Donna

Address: 104-South Broadway (YONKERS POLICE HEADQUARTERS)

CITY: Yonkers, WESTCHESTER COUNTY.

STATE: New York, 10701

SECTION (2)

(A) Basis For FEDERAL COURT JURISDICTION is FEDERAL QUESTION.

(B) Violation of Constitutional rights at Issue are:

Eighth Amendment Cruel Unusual Punishment, Sexual Harassment,

Fourteenth Amendment Equal Protection, Fourth Amendment

Deprivation of life, liberty, or Property, Thirteenth Amendment

Slavery nor Involuntary servitude as a punishment for a crime

Monell Claim Against the municipality, Subtle Pressure for

Sexual activity.

Fifth Amendment no Person shall be held to answer for a Capital
or Infamous crime unless presentment or Indictment of a Grand Jury.

Fourth Amendment Search seizure right to be secure in your person

SECTION (3) (A)

FACTS:

Plaintiff Sonia L. Gomez From Herein her surname will be used
Sonia L. Rivera, Plaintiff Sonia L. Rivera A permanent resident
of The United States of America and a Native of Ecuador has
Resided in the U.S.A. for over 25 Years in The City of Yonkers
New York County Of Westchester. Plaintiff was a twenty five year
old female at the time of incident. Plaintiff while in the City
of Yonkers, County of Westchester Park avenue on or around May
2011 approximate time of 4:00P.M., Plaintiff was a front passenger
of a Ford sedan being Driven by Plaintiff's Ex boy friend. also
Inside the vehicle was Plaintiff's Brother Luis Rivera Jr. sitting
in in the center back seat. Plaintiff and all passengers were pulled
over by a unmarked Yonkers Police Vehicle . All Passengers were removed
from the Vehicle Except Plaintiff. Unknown Yonkers Police Officer
started to search Plaintiff brother Luis rivera, and Plaintiff's
Ex boy friend Thomas Norberto this search was conducted between
Parked cars Police officers searched Plaintiff brother Luis Rivera
and Thomas Norberto were being cavity searched (ANUS AREA) for
narcotics. Plaintiff remained inside the vehicle during the search
but still managed to observe this misconduct. Plaintiff was then
Approached by a Plainclothes Police officer Alex Della-Donna

From herein Defendant # 2 started questioning Plaintiff "where's
your Identification?" Plaintiff not having a New York State Identification
card gave Defendant #2 her permanent resident card (GREEN CARD)
as an alternative Defendant #2 said to Plaintiff "where's The PCP?"
Plaintiff told Defendant #2 that she didn't have any Defendant #2
then told Plaintiff " You know you can be Deported for Drugs. Do
you have kids? (Plaintiff responded yes,) Defendant #2 then stated
give me the PCP or you will lose your children to child protective
services and be Deported " Plaintiff Immediately agreed to give
Defendant #2 the 2-Bags of PCP also known as angel dust / Water
Plaintiff possessed 2-\$10 street value bags of PCP in her vaginal
area. Plaintiff then after informed Defendant #2 that she possessed
PCP but it was hidden in her vaginal area and her pants were
to tight to retrieve the PCP . Defendant # 2 instructed plaintiff to
open her pants and retrieve the PCP Plaintiff complied and opened
her pants and went in her vaginal area and handed Defendant #2 the
PCP 2-bags, Defendant #2 then Instructed plaintiff to step outside
the vehicle Defendant #2 then placed plaintiff in handcuffs and
placed her inside a marked police cruiser. Plaintiff was then taken
to Yonkers City Jail .All other passengers were released plaintiff
was charged for possession of a controlled substance Phencyclidine
Plaintiff was placed in a cell, upon entering Plaintiff Noticed
Defendant #2 sitting at a desk next to the cells drinking a soda .
the police officers who transported plaintiff to the city jail left
Plaintiff in custody of Defendant #2 . Defendant #2 then approached
the cell Plaintiff was being held in and started to question Plaintiff
as to whether plaintiff had any tattoos Plaintiff replied yes. Defendant #2

directed plaintiff to show him plaintiff Tatoos plaintiff complied
and displayed a series of tatoos on her neck, arm, back, Rib cage,
chest. Defendant#2 then started to display several of his own tatoos
to plaintiff. Defendant#2 displayed several tatoos on his arm , Defendant
#2 then questioned Plaintiff if any of her tatoos hurt? Plaintiff
replied yes. Defendant #2 then told Plaintiff "you are a very attractive
girl Sonia" . Defendant #2 then told Plaintiff "listen don't worry about
the drugs I'm going to give you my information (CARD) you will call
Right? " Plaintiff responded yes, Out of fear of being prosecuted for
the PcP she possessed and being deported. Defendant #2 said I'm going
to have you released with a court date "Don't worry it will be dismissed"
Defendant#2 then told plaintiff "I'll be back" Defendant#2 disappeared
for several minutes then returned to plaintiff cell and gave plaintiff
a court date, Defendant#2 then told Plaintiff "wait for me out front"
and released plaintiff, Plaintiff went outside and waited for defendant#2 .
Defendant# 2 appeared several minutes later and instructed Plaintiff
to sit in his unmarked SUV dark colored, Plaintiff complied. Defendant#2
drove Plaintiff to The Royal Regency Hotel In tuckahoe section of Yonkers
where plaintiff was renting a room. Defendant #2 then sternly looked at
Plaintiff and said "Make sure you call me" Plaintiff then left his vehicle
and went to her room to call her brother LUIS RIVERA. sometime later
a desk clerk informed Plaintiff that the Police came by looking for her.
plaintiff became nervous instantly, the desk clerk gave Plaintiff a card
which was A card with Defendant#2 information. Plaintiff became very fearful
and called Defendant# 2 to assure herself everything was still ok
Defendant # 2 said he wanted to see Plaintiff sometime that week, Plaintiff
Agreed. Approximate the ending of may 2011 Defendant #2 called Plaintiff
on her cell phone which at the time was (914) 490-6964 Defendant#2 told
Plaintiff " I want you. are you busy?" plaintiff stated no and informed
Defendant#2 that she was in her mothers house in Yonkers on pursler Pl
building #40 Defendant #2 agreed to stop by during his break that evening
Defendant#2 arrived at Pursler Pl approx 5:00P.M. Plaintiff came down

stairs from her mother's house and entered Defendant#2 Suv Unmarked Police vehicle, Ford model. Plaintiff sat in the front Passenger seat Defendant#2 Questioned Plaintiff " how's every thing going? " Plaintiff stated that she was scared of being deported due to being aressted for drug possesion. Defendant #2 stated to Plaintiff "I assure you don't worry the charges are going to be dismissed " . Defendant#2 then started to explain to plaintiff that he was single at the current at and found plaintiff to very attractive. Plaintiff sat quietly and listened To Defendant #2 explain his attraction to plaintiff, Defendant #2 told Plaintiff that he no longer was with his daughters mother Plaintiff and Defendant#2 sat in his Suv approximate 30-MINUTES then Defendant#2 Informed Plaintiff that he had to return to work Defendant #2 reached in his pocket and handed plaintiff a bag of PcP with a\$10.00 street value and stated to plaintiff "enjoy I have your # I'll Text you" Plaintiff then exited Defendant #2 vehicle and walked to a bodega to purchase a dutch master cigar to re-roll the cigar with the PcP that Plaintiff received from Defendant#2 . Plaintiff Smoked the cigar and returned home .

On or around May 29th 2011 Defendant #2 Texted plaintiff cell phone requesting to see her plaintiff had recently smoked a cigar with PcP but still managed to agree to meet Defendant #2. Plaintiff informed Defendant#2 that she was at her mother's house at 40- Pursler Pl in Yonkers. Defendant#2 arrived several minutes later in his Unmarked Suv and texted plaintiff alerting her of his arrival. Plaintiff came down stairs and entered Defendants#2 vehicle passenger seat. Defendant#2 immeadiately informed plaintiff "Hey listen the building you live in is owned by a guy named mike he is a yonkers police officer he has status in the force Don't mention to him that you know me cops gossip" Plaintiff said Ok Plaintiff then informed Defendant#2 that she did not want to be deported and wanted him to please help her. Defendant#2 said he already took care of the charges they are dismissed when you go to court " . " But it can always be brought back up so be careful understand? " plaintiff said yes and thanked Defendant #2

on Yonkers avenue near dunwoodie Golf course across from the galaxy hotel

Upon arrivind Defendant #2 told Plaintiff that he wanted her to see something

Defendant#2 then pulled out his cell phone and showed Plaintiff a video which displayed a little girl with brown hair approximate 3years old the little girl in the video was saying DADDY,DADDY,DADDY. Defendant#2 informed plaintiff that, that was his little girl."I have kids too."

Plaintiff then again told Defendant#2 she was worried still her criminal charges, Defendant#2 assured Plaintiff that everything was fine,Plaintiff was nervous and anxious Defendant#2 then started to rub Plaintiff leg and said"your beautiful " Plainiff was now scared she did not object to Defendant#2 touch to not angry him and be prosecuted.Plaintiff did not move she froze from his touch,Defendant#2 the shoved his hand between plaintiff leg and started to rub her vaginal area Plaintiff objected and said"wait" Defendant #2 looked at plaintiff sternly and said"WHAT" plaintiff in fear just remained quiet.Defendant#2 then started to fondle plaintiff breast, plaintiff did not resist or move or give any indication she was enjoying Defendant#2 touch, Defendant#2 then instructed plaintiff to go to the rear seat plaintiff complied.Defendant#2 also followed Plaintiff to the rear seat of the car Defendant#2 then grabbed Plaintiff pants and unfastened her pants button,Defendant#2then removed plaintiff pants. then defendant#2 removed Plaintiff underwear.Defendant#2 then retrieved a condom placed on his penis and penetrated plaintiff vaginally Plaintiff at this time started to tear out of shame and embarassment this sexual episode lasted approximate 3-5minutes once Defendant# 2 finished he disposed of the condom out the car window and dressed. Plaintiff dressed immediatly and remained in the rear seat plaintiff did not resume the front passenger seat.defendant#2 told plaintiff you are my barbie that was really good " . Plaintiff remained quiet Defendant#2 then dropped plaintiff of at her mothers house with promises to call or text Plaintiff cell phone.Plaintiff went to her mothers house and when straight to the bath room to shower plaintiff showered and cried from shame and embarassment because of what transpired between her and defendant#2 Plaintiff considered suicide she felt like drinking several pills from her mothers bathroom cabinet to commit suicide.

plaintiff reacted after reminding herself of her two young children .

Defendant#2 on several occasions texted Plaintiff phone Thru out May and June 2011 defendant#2 would send plaintiff pictures of himself shirtless revealing his muscular build Defendant#2 also sent plaintiff pictures of three jars of PcP he arrested someone with plaintiff being addicted to PcP Texted Defendant#2 requesting to see him but he due having to due paperwork declined to see plaintiff. But Defendant#2 texted plaintiff requesting her to send photos of her self as plaintiff did in her brassiere.

Defendant#2 Thru out May-2011 and June-2011 called or texted plaintiff to meet her and have sex. Defendant#2 picked plaintiff up from her mothers house approximate six times and drove her to the empty parking lot on yonkers avenue .

Plaintiff on or around June 10th 2011 was stopped by a friend who observed plaintiff in the Unmarked Suv with Defendant#2 plaintiff was questioned as to what she was doing in the vehicle with defendant#2 Plaintiff embarassed lied and stated to her friend that her and defendant#2 were dating which was simply not true, Plaintiff felt ridiculed and shame. On or around June 20th, 2011 defendant #2 called Plaintiff approximate time of 10:45P.M. Defendant#2 wanted to meet with Plaintiff, Plaintiff agreed and informed Defendant that she was in her aunts house on western street, Defendant#2 arrived in minutes , Defendant#2 was driving a different Suv this one was larger and contained a baby booster chair in the rear seat plaintiff entered the vehicle upon entering this vehicle Defendant#2 handed plaintiff a sandwhich baggie which contained 10-seperate individually bags of PcP with a \$10.00 street value each this individual bag were all different colors. Plaintiff requested Defendant#2 stop at a bodega so Plaintiff could purchase cigars to re-roll using PcP she just obtained Defendant#2 agreed to stop at a bodega, when Defendant#2 stopped he told plaintiff to smoke away from the car and return when she was finished. plaintiff smoked in front of a bodega on southbroadway. after Plaintiff smoked she re-entered Defendant#2 vehicle Defendant#2 drove plaintiff again to the empty parking lot on yonkers avenue to have sex plaintiff upon arriving at the parking lot stepped outside the vehicle to smoke PcP Defendant#2 waited patiently for plaintiff to finish. While plaintiff Defendant#2 lowered the passenger window and questioned Plaintiff "are